

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOBAL MIGUEL RIOS,

Defendant.

CR-13-2059-RHW

Preliminary Order of Forfeiture

IT IS HEREBY ORDERED THAT:

As the result of the guilty plea to Count 1 of the Superseding Indictment for which the Government sought forfeiture pursuant to 18 U.S.C. § 924 and 28 U.S.C. § 2461(c), Defendant, CHRISTOBAL MIGUEL RIOS, shall forfeit to the United States any and all firearms involved in the commission of the offense, Felon in Possession of Firearm.

The Court has determined, based on the Defendant's plea agreement, that the following assets are subject to forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), and that the government has established the requisite nexus between such assets described below, and such offenses:

FIREARMS

1) Jennings, .22 caliber pistol, Serial Number 671830.

Upon the entry of this Order, the United States Attorney General (or a designee) is authorized to seize the above-listed assets subject to forfeiture, whether held by the defendant or by a third party, and to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture, in

1 accordance with 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 924(d) and 28
2 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(3).

3 Upon entry of this Order, the United States is authorized to commence any
4 applicable proceeding to comply with statutes governing third party rights,
5 including giving notice of this Order.

6 Pursuant to 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 924(d) and
7 28 U.S.C. § 2461(c), the United States will post notice of this order on the official
8 government internet site (www.forfeiture.gov) for at least 30 consecutive days.

9 The United States may also, to the extent practicable, provide direct written notice
10 to any person known to have alleged an interest in the property that is the subject
11 of the Preliminary Order of Forfeiture, as a substitute for posted internet notice as
12 to those persons so notified.

13 Any person, other than the above-named Defendant, asserting a legal
14 interest in the above-listed property may, within thirty (30) days of the final
15 posting of notice, or receipt of notice, whichever is earlier, petition the court for a
16 hearing without a jury to adjudicate the validity of his alleged interest in the
17 above-listed property, and for an amendment of the order of forfeiture, pursuant to
18 Fed. R. Crim. P. 32.2(6) and 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. §
19 924(d) and 28 U.S.C. § 2461(c).

20 Any petition filed by a third party asserting an interest in the above-listed
21 property shall be signed by the petitioner under penalty of perjury and shall set
22 forth the nature and extent of the petitioner's right, title, or interest in said
23 property, the time and circumstances of the petitioner's acquisition of the right,
24 title or interest in said property, and any additional facts supporting the petitioner's
25 claim and the relief sought.

26 After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c) and
27 before a hearing on the petition, discovery may be conducted in accordance with
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1 the Federal Rules of Civil Procedure upon a showing that such discovery is
2 necessary or desirable to resolve factual issues.

3 The United States shall have clear title to the above-listed property
4 following the Court's disposition of all third-party interests, or, if none, following
5 the expiration of the period provided 21 U.S.C. § 853(n)(2), as incorporated by 18
6 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), for the filing of third party petitions.

7 Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order
8 of Forfeiture is final as to the Defendant at the time of sentencing, and is made
9 part of the sentence and included in the judgment.

10 The Court shall retain jurisdiction to enforce this Order, and to amend it as
11 necessary, pursuant to Fed. R. Crim. P. 32.2(e).

12
13 ORDERED this 4th day of October, 2013.

14
15 s/Robert H. Whaley

16 Robert H. Whaley
17 Senior United States District Judge

18 Presented by:

19 Michael C. Ormsby
20 United States Attorney

21 s/Thomas J. Hanlon

22 Thomas J. Hanlon
23 Assistant United States Attorney
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